

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TAMECUS REED,

Plaintiff,

v.

JAN SCULLY,

Defendants.

Case No. 1:22-cv-00085-DAD-HBK

ORDER TRANSFERRING CASE TO  
SACRAMENTO DIVISION

(Doc. No. 1)

Plaintiff, a prisoner, initiated this *pro se* action by filing a civil rights complaint under 42 U.S.C. § 1983. (Doc. No. 1). Plaintiff is incarcerated at Valley State Prison, which is located in Chowchilla, California and within the venue of the Fresno Division of this Court. Plaintiff's complaint, however, alleges a "due process violation" against Defendant Jan Scully, who is identified as the "District Attorney of Sacramento County" stemming her alleged refusal to provide Plaintiff with records and evidence to file a post-conviction appeal. (*See generally Id.*). Because the events giving rise to the cause of action allegedly occurred in Sacramento County and defendant resides in Sacramento County, Plaintiff should have filed his complaint in the Sacramento Division of this Court. *See* 28 U.S.C. § 1331(b); *see also Ziegler v. Indian River County*, 64 F.3d 470, 474 (9th Cir. 1995) (reviewing federal court jurisdiction and venue in a § 1983 action). Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper court may, on the court's own motion, be transferred to the correct court. The Court finds

1 it in the interests of justice to transfer this case to the Sacramento Division under 28 U.S.C. §  
2 1406(a).

3 ACCORDINGLY, it is **ORDERED**:

4 The Clerk of Court is directed to transfer this action to the Sacramento Division of this  
5 Court.

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7 Dated: July 6, 2022

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HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE

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